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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,235	01/14/2004	Jeffrey K. Daniel	123018.0002.000	3258
7590	09/20/2005		EXAMINER	
Mark A. Tidwell Jackson Walker L.L.P. Suite 2100 112 E. Pecan Street San Antonio, TX 78205-1521			PANG, ROGER L	
			ART UNIT	PAPER NUMBER
			3681	
			DATE MAILED: 09/20/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,235	DANIEL, JEFFREY K.	
	Examiner	Art Unit	
	Roger L. Pang	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 August 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 14 and 16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11, 14 and 16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-21-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the election filed for application 10/757,235 on August 4, 2005.

Election/Restrictions

Applicant's election without traverse of Transmission 1 in the reply filed on August 4, 2005 is acknowledged.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Love.

With regard to claims 1, 3 and 11, Love teaches a swivel divider gearbox for agricultural equipment (Col. 1), said system comprising a first gearbox having an input shaft 58 and an output shaft 26, wherein said input shaft forms an angle (or is perpendicular) with said output shaft, the axis of the output shaft is not in the same plane as the axis of the input shaft (Fig. 2); and a second gearbox having an input shaft 26 and at least two output shaft 36, wherein the input shaft of the second gearbox forms an angle (or is perpendicular to) to the output shafts of the second gearbox, wherein at least one of said angles is between zero and one hundred and eighty degrees, and the axis of the input shaft of the second gearbox is not in the same plane as the axis of at least one of the output shafts (Fig. 2). With regard to claims 2 and 9, Love teaches the gearbox, wherein the output shaft of the first gearbox is the input shaft of the second gearbox (Fig. 2). With regard to claim 4, Love teaches the gearbox, wherein the first gearbox further comprises a housing having a first face and a second, different face and wherein said input shaft extends from said first face and said output shaft extends from said second face (Fig. 2). With regard to claims 5 and 6, see rejection of claims 1, 3, and 11. With regard to claim 7, Love

teaches the gearbox, wherein the plane of the input shaft of the first gearbox is substantially parallel with the plane of at least one of the output shafts of the second gearbox (Fig. 2). With regard to claim 8, Love teaches the gearbox, wherein the plane of the input shaft of the first gearbox is offset from the plane of at least one of the output shafts of the second gearbox (Fig. 2). With regard to claim 10, Love teaches the gearbox, wherein the output shaft of the first gearbox is coupled to the input shaft of the second gearbox (integrally linked; Fig. 2). With regard to claim 14, Love teaches the gearbox, wherein the angle between the axis of the input shaft of the first gearbox and the axis of the output shaft of the axis of the first gearbox is obtuse (90 degrees, or 270, which is > 90 degrees).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson '558 in view of Mclean '271. With regard to claim 3, Stevenson teaches a swivel divider gearbox for agricultural equipment, said system comprising a first gearbox having an input shaft 31; and a second gearbox having an at least two output shafts (Fig. 2). Stevenson lacks the specific teaching of the details between the input shaft of the first gearbox and the output shafts of the second gearbox. Mclean teaches a first gearbox with an input shaft 24b and an output shaft 52, each shaft defined along an axis and in a plane associated therewith, wherein said input shaft is angled relative to said output shaft as that the axis of the output shaft is not in

the same plane as the axis of the input shaft; a second gearbox having an input shaft 48 and an output 20, wherein the input shaft is angled relative to the output (and one of the outputs of Stevenson would not be in the same plane as the input shaft of the second gearbox). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stevenson to employ the transmission between the input of the first gearbox and the output of the second gearbox in order to provide a transmission means there between. With regard to claim 16, Stevenson teaches the gearbox, wherein said second gearbox has three output shafts (Fig. 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakano, Allgaier, Genovese, and Harvey have been cited to show similar gearboxes.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses

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requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

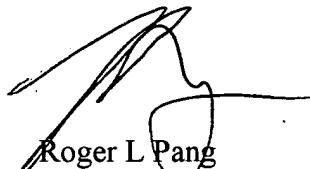
If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang
Primary Examiner
Art Unit 3681

September 14, 2005